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THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN

Letter dated 26 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

I have the honour to transmit to you annexed herewith* the information about the state of gender development in the Republic of Azerbaijan.

I would be grateful if you could circulate the present letter and the above-mentioned information as an official document of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights under item 5 of the provisional agenda.

(Signed) M.-A. Mammedov
Chargé d'affaires a.i.

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* The annex is reproduced in Russian, as received, and in English only.

Annex

Gender development in the Azerbaijan Republic

Gender equality, the starting point for the establishment of a new social order based on radical democratic changes in society, confers renewed topicality on women's issues.

Azerbaijan's geopolitical situation and its history have moulded a very diverse yet distinctive pattern of national customs, principles, traditions, socially legitimated conduct and standards of everyday life which differ markedly from the culture of neighbouring countries.

Since time immemorial, women have held a special place in Azerbaijani society and have always been held in high social regard. In 1907 Mustafa-bey Topchibashev, an Azerbaijani deputy in the Russian State Duma (Azerbaijan being part of the Russian Empire at the time) voted support for female suffrage, and a decision to extend the franchise to Muslim women was adopted, with some reservations, by the Muslim faction. Azerbaijan was therefore the first country in the region to display such a significant shift in social awareness.

In the Soviet period women enjoyed full equality under the law. They were involved in every aspect of social production from the 1920s onwards. A female quota system ensured the compulsory involvement of women at every level in the machinery of state and in every sphere of social activity. However, despite the attainment of de jure equality and the provision of social benefits for women, under Soviet totalitarianism it was men who took the leading role in decision-making. The discrepancy between the de facto and the de jure situation led to a double standard and the dual exploitation of women in the workplace and the home.

The post-Soviet period of democratization, coupled with disintegration in all areas of life, has resulted in an economic and social crisis, and the situation in the country has been changed by Armenian military intervention.

Article 25 of the Constitution of the Azerbaijan Republic (1995) states that men and women have equal rights and freedoms. They are equally entitled to vote and to be elected, and have equal rights in all areas of life and

activity. The right of women to vote in all elections and to be elected on an equal footing with men, and their right to hold any post, are enshrined in Azerbaijani domestic law. These and other provisions are fully incorporated in the Azerbaijani Constitution (arts. 55, 56).

On 4 August 1992, Azerbaijan acceded to the United Nations Convention on the Political Rights of Women (1952).

The Milli Majlis (Parliament) of the Azerbaijani Republic includes 15 female deputies, or 12 per cent of the total contingent of deputies. There are two female ministers in the Azerbaijani Government. Five of the country's administrative regions have a female chief executive.

The State Committee for Women's Issues was established by Presidential Decree on 14 January 1998. Its function is to implement national policy on women's issues. The Committee's principal task is to protect women's rights and enhance their role in the social and political life of the country.

The Congress of Azerbaijani Women, which has mapped out the future development of the women's movement in Azerbaijan, is a notable feature in the national social and political landscape.

The Azerbaijani Government is drawing up a National Action Plan for Women for the period 1999-2003.

In accordance with article 11 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), to which Azerbaijan acceded on 30 June 1995, article 35, paragraph 2, of the Azerbaijani Constitution states that all persons have the right to freely choose their activity, occupation, employment and place of work on the basis of their capacity for work.

Azerbaijan has been a member of the International Labour Organization (ILO) since 1992 and has ratified 55 ILO Conventions. The ratification by the Azerbaijani Parliament of a number of ILO Conventions enshrining legal standards affecting women in the workplace and female employment demonstrates the Government's desire to introduce and apply international standards on the status of women.

The Azerbaijani Constitution states that men and women have an equal right to education. This right is underscored by article 3 of the Education Act. All citizens are guaranteed free intermediate education on a co-educational basis. The Education Act of 7 October 1992 also states that all citizens are guaranteed the right to education regardless of sex. Statistics for 1998 show that 6,692 young women were studying in higher

educational establishments in Azerbaijan. Forty per cent of scientific workers are female, women account for one in 10 doctors of science and almost one in three candidates of science.

It is particularly important to note that, owing to the occupation of 20 per cent of the national territory by Armenian military formations carrying out a scorched earth policy, serious damage has been done to the educational system. Some 799 schools, 288 pre-school establishments, 85 conservatoires, 808 clubs and 927 libraries have been totally or partially destroyed or stripped of their equipment. The damage is not limited to the material sphere. Right now these losses must be offset by building the requisite number of schools and classrooms in settlements for refugees and displaced persons. At the same time the problem of school and classroom overcrowding in districts and towns throughout Azerbaijan needs to be addressed.

Azerbaijanis traditionally have large families. Parental rights and duties in respect of the upbringing and development of children are covered in articles 66, 67, 68 and 69 of the Marriage and Family Code of the Azerbaijan Republic. These articles stipulate that the father and mother have equal rights and duties in respect of their offspring. Recently, however, there has been an emerging trend away from large families towards medium-sized families. The average woman now gives birth to approximately three children, compared with five in 1959. A decade ago, the proportion of third or successive births accounted for 41 per cent of all births; today that figure has dropped to 28 per cent. Family impoverishment is not the sole reason for this; the pattern of marriage has also changed. War losses among the male population (deaths and injuries) and the exodus of menfolk in search of work in the countries of the former USSR also account for the fact that, despite the low divorce rate (8 marriages and 1 divorce per 1,000 inhabitants), the number of marriages has declined and the number of never-married women has increased (34.2 per cent as against 23 per cent in 1993).

For more than a decade a state of armed conflict has been imposed on Azerbaijan. Over 1 million refugees and temporarily displaced persons have been ejected from occupied areas and taken refuge in the country. Azerbaijan has come to know the horrors of this military conflict at first hand; the fighting has had a major impact on the life of every Azerbaijani citizen, particularly women. A ceasefire has been agreed and hostilities have been suspended, but despite all the efforts of the Azerbaijan Republic, endorsed by the relevant United Nations resolutions and the Minsk Group of the

Organization for Security and Cooperation in Europe (OSCE), a definitive pea settlement has proved elusive.

The Armenian aggression has inflicted untold harm on Azerbaijan. The problem of orphaned children whose parents can no longer care for them is on of the most serious consequences of the war, considering that their numbers have increased dramatically.

In 1995, pursuant to an initiative by a delegation of Azerbaijani wome the thirty-ninth session of the Commission on the Status of Women adopted a resolution on the release of women and children who have been taken hostage armed conflicts and imprisoned. The initiative was timed to coincide with t c ening of the Beijing Conference. However, this resolution has yet to be implemented and is still on the Commission's agenda.

Throughout this period the State Commission dealing with the hostage issue, in conjunction with women's non-governmental organizations (NGOs), ha been compiling lists which show that 322 women and 59 children are currently being held hostage by the Armenians.

A subregional conference on the theme "Women's Rights are Human Rights: Women and Armed Conflict" was held in Baku from 18 to 20 May 1998, jointly organized by the Azerbaijani Government and the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Fund for Women (UNIFEM).

The conference participants agreed on the importance of considering th three principles of the Beijing Platform for Action dealing with:

- The role of women in peace-building and conflict resolution;
- Violence against women;
- The human rights of women, especially as they relate to refugees and forcibly displaced persons, their repatriation and other long-term solutions.

Article 41 of the Azerbaijani Constitution establishes the right to health protection. Paragraph 1 states that everyone is entitled to health protection and medical assistance. It should be noted that the number of women holding management positions and appointments in this sector is fairly high. Some 35 per cent of all managers of urban and district hospitals and polyclinics are women, and 90.3 per cent of middle-ranking medical staff are female.

Women's right to reproductive health and family planning is subsumed i universal human rights. Accordingly, a State Programme for Reproductive

Health and Family Planning was adopted in March 1996. This programme is supported by the World Health Organization (WHO) and the United Nations Fund for Population Activites (UNFPA).

A Family and Health Centre, opened in 1996, is also currently operating in Azerbaijan. It has devised a medical/genetic programme designed to improve the national gene pool and reduce the incidence of hereditary disease and congenital defects, including mental and physical abnormalities.

The inadequacy of health-care statistics has prompted the adoption of a health information statistics programme. The occupation of Azerbaijani lands has taken a very heavy toll on health care. A total of 315 hospitals and polyclinics have been destroyed. The fact that refugees and displaced persons have been housed in premises not intended for habitation, buildings under construction and reception camps has complicated sanitary and hygiene arrangements and preventive medical care. There has been a general decline in the overall health of the population, particularly that of women and children. The incidence of sudden death and psychosomatic disorders resulting from stress, depression and emotional overload has increased. Paid medical services and medical insurance are slowly becoming a fact of life owing to the impoverishment of a significant section of the population.

Given the current situation and trends in respect of the gender factor in Azerbaijan, it should be noted that:

- There exists in Azerbaijan basic legislation to ensure the full participation of women in political and economic life at both central and regional level. Conditions have been created for women to cooperate at a practical level with international NGOs;

- There is an established legal, organizational and economic basis for national employment policy which ensures that the entire able-bodied population, including women, has an equal right to freely choose a form of employment;

- Women enjoy equal access to education and equal educational opportunities, and can also avail themselves of vocational training and skills enhancement.

The life of every Azerbaijani refugee woman and every Azerbaijani woman who has been displaced from her home is endangered by Armenian aggression. Azerbaijani refugee women are experiencing unimaginable problems and hardships.

Like the whole population, Azerbaijani women hope that a peaceful settlement will be found to the Karabakh conflict, that the refugees and forcibly displaced persons will be able to return to their homes, and that international organizations and various States will help to address the consequences of the war.